

1 KEITH L. SLENKOVICH (STATE BAR NO. 129793)

2 keith.slenkovich@wilmerhale.com

3 WILMER CUTLER PICKERING

4 HALE and DORR LLP

5 950 Page Mill Road

6 Palo Alto, CA 94304

7 Telephone: (650) 858-6000

8 Facsimile: (650) 858-6100

9 ROBERT J. GUNTHER, JR. (*pro hac vice*)

10 ROSS E. FIRSENBAUM (*pro hac vice*)

11 CRAIG R. HEEREN (*pro hac vice*)

12 WILMER CUTLER PICKERING

13 HALE and DORR LLP

14 399 Park Avenue

15 New York, New York 10022

16 Telephone: (212) 230-8800

17 Facsimile: (212) 230-8888

18 Attorneys for Defendant

19 HOFFMAN-LA ROCHE INC.

20 **IN THE UNITED STATES DISTRICT COURT**  
 21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 22 **(SAN FRANCISCO DIVISION)**

23 APPLIED BIOSYSTEMS, LLC, a Delaware  
 24 limited liability company

25 Plaintiff,

26 v.

27 HOFFMANN-LA ROCHE INC., a New Jersey  
 28 corporation

Defendant.

Case No. 3:10-CV-03096-RS

Hon. Richard Seeborg

**STIPULATION AND [PROPOSED]  
 ORDER TO RESCHEDULE MOTION  
 HEARING, EXTEND OPPOSITION AND  
 REPLY DEADLINES, AND CHANGE  
 CASE MANAGEMENT CONFERENCE  
 TIME**

Current Date: Thursday, December 9, 2010

Time: 1:30 p.m.

Courtroom: 3

**Requested Date:** Thursday, January 6, 2011

WHEREAS on November 2, 2010, Defendant Hoffmann-La Roche Inc. ("Roche") filed a motion to dismiss the complaint, and noticed a hearing date of December 9, 2010; and,

1 WHEREAS pursuant to Local Rule 7-3, the deadline for Plaintiff Applied Biosystems, LLC  
 2 ("AB") to file an opposition to the motion to dismiss is November 18, 2010 and the deadline for  
 3 Roche to file a reply in support of the motion to dismiss is November 25, 2010; and,

4 WHEREAS a Case Management Conference is currently scheduled in this case for January  
 5 6, 2011 at 10:00 a.m.; and,

6 WHEREAS counsel for both parties have conferred and agree that an extension of the motion  
 7 to dismiss hearing date to January 6 would be beneficial, and that it would be more efficient to hold  
 8 the motion hearing simultaneously with the previously scheduled Case Management Conference;  
 9 and,

10 WHEREAS counsel for both parties agree that, pursuant to Local Rule 7-7(d), the deadlines  
 11 to file an opposition and reply are extended to no later than 21 and 14 days, respectively, before the  
 12 new hearing date; and,

13 WHEREAS counsel also request that the time for the Case Management Conference be  
 14 moved from 10:00 a.m. to 1:30 p.m. on January 6, 2011 so that it may be held in conjunction with  
 15 the Motion to Dismiss hearing; therefore,

16 IT IS HEREBY STIPULATED AND AGREED by and between counsel for AB and Roche  
 17 that the parties respectfully request that the Court enter the accompanying [Proposed] Order  
 18 rescheduling the hearing on the motion pending in this case to January 6, 2011 at 1:30 p.m., and that  
 19 the Case Management Conference be moved from 10:00 a.m. to 1:30 p.m. on January 6, 2011.

20  
 21 Respectfully submitted,

22 DATED: November 17, 2010

23 WILMER CUTLER PICKERING  
 24 HALE AND DORR LLP

25 /S/

26 Keith L. Slenkovich

27 Counsel for defendant,  
 28 HOFFMANN-LA ROCHE INC.

DATED: November 17, 2010

WHITEHEAD & PORTER LLP

/S/

Stephen L. Porter

**SIGNATURE ATTESTATION**

I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed this 17th day of November at Palo Alto, California.

/S/

Keith L. Slenkovich

Wilmer Cutler Pickering Hale and Dorr LLP  
950 Page Mill Road  
Palo Alto, CA 94304

~~PROPOSED~~ ORDER

The Court hereby GRANTS the parties' stipulated request to reschedule the hearing on the motion to dismiss filed by Defendant Hoffmann-La Roche Inc., extend the deadlines to file opposition and reply briefs as provided by Local Rule 7-7(d), and move the Case Management Conference time.

The motion hearing previously scheduled for December 9, 2010 at 1:30 p.m., is now rescheduled to January 6, 2011 at 1:30 p.m. Plaintiff's opposition brief is due no later than December 16, 2010. Defendant's reply brief is due no later than December 23, 2010.

The Case Management Conference previously scheduled for January 6, 2011 at 10:00 a.m., is now rescheduled to January 6, 2011 at 1:30 p.m.

---

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: 11/18/10

  
 Hon. Richard Seeborg  
 United States District Judge